



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, JUNE 1, 2000**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

The City Council of Austin, Texas, convened in a regular meeting on Thursday, June 1, 2000 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

INVOCATION – Rabbi Kerry Baker, Congregation Kol Haleb

Mayor Watson called the meeting to order at 9:31 a.m.

1. Approval of minutes for regular meeting of May 18, 2000.
The minutes for the regular meeting of May 18, 2000 were approved on Council Member Garcia's motion, Mayor Watson's second by a 6-0 vote. Council Member Spelman was off the dais.

Items 2 through 8 are Executive Session items.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Garcia's motion, Council Member Spelman's second by a 7-0 vote.

Item 9 was pulled for discussion.

10. Approve a Resolution authorizing the negotiation and execution of a 12-month contract with Austin Community College, in an amount not to exceed \$50,000 in Community Development Block Grant funds through the Small Minority Business Assistance program for the purpose of providing training and technical assistance to small minority-owned businesses. (Funding is available in the Fiscal Year 1999-2000 Neighborhood Housing and Community Development Office special revenue fund for the Community Development Block Grant (CDBG 25th Year.)
This item was postponed until June 8, 2000.

11. Amend Ordinance No. 990914-1, the Fiscal Year 1999-2000 Operating Budget, by increasing revenue in the General Fund by \$142,440, increasing transfers from General Fund to Support Services Fund by \$15,000, and increasing appropriations in the Support Services Fund for the Office of the City Clerk by \$15,000 for expenditures associated with June 3, 2000 election. (The amount of \$142,440 in revenue will be receipted to the General Fund. \$15,000 from the General Fund to the Support Services Fund. \$260,081 was included in the 1999-2000 Amending Operating Budget of the Office of the City Clerk Support Services Fund.) (Related to item 12)
Ordinance No. 000601-11 was approved.
12. Amend Ordinance No. 000509-02 relating to the June 3, 2000, Municipal Runoff Election, Changing Polling Places, and Declaring an Emergency. (Related to item 11)
Ordinance No. 000601-12 was approved.
13. Approve a resolution authorizing a license agreement with PrimeCo Personal Communications, L.P. for placement of station at Palmer Auditorium for the purpose of providing wireless telephone service. (The amount of \$12,400 in Unanticipated Revenue for the Fiscal Year 1999-2000 Approved Budget of the Convention Center Department.)
Resolution No. 000601-13 was approved.
14. Set a public hearing to consider adoption of the Town Lake Park Site Plan and establish development regulations applicable to the Town Lake Park area. (No financial impact.) (Suggested Date and Time: June 8, 2000 at 6:00 p.m.)
Resolution No. 000601-14 was approved.
15. Set a public hearing to consider an ordinance amending Chapter 2-4, 5-5 and 25-11 of the City Code relating to the Historic Landmark Commission; and correcting Section 2-4-602 of the City Code relating to the Sign Control Board, and renumbering Chapter 2-4, Article XLII of the City Code relating to the Commission on Immigrant Affairs. (Recommended by Planning Commission, Building and Standards Commission and Historic Landmark Commission) (Suggested Date and Time: June 29, 2000 at 6:00 P.M.)
Resolution No. 000601-15 was approved.
16. C14-99-0069 – Gotham Condominium – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 200-210 South Congress, from LI, Limited Industrial Service District zoning to LI-PDA, Limited Industrial Service-Planned Development Area Combining District zoning with conditions. First reading on September 30, 1999; Vote: 5-2, Slusher and Griffith-nay. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council at first reading Applicant: Hixo, Inc. (Michael Hicks, President); Agent: Crocker Consultants (Sarah Crocker). City Staff: Adam Smith, 499-2755.
This item was postponed to June 29, 2000.
17. C14-99-2075 – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property located at 10900 RM 2222 from I-RR, Interim-Rural Residence District zoning to GO-CO, General Office-Conditional Overlay Combining District zoning with conditions. First reading on January 27, 2000; Vote: 5-0, Watson absent, and Lewis off the dais. Second reading on March 23, 2000; Vote: 6-0, Slusher off dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council at second reading. Applicant: James A. & Minnie Jo Chipman; Agent: Lopez-Phelps & Vaughn (Amelia Lopez-Phelps). City Staff: Katie Larsen, 499-3072. (continued from 3/2/00)

Ordinance No. 000601-17 was approved.

18. C14-99-2091 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code rezoning property locally known as 403 East Braker Lane from LO, Limited Office District zoning to GR-CO, Community Commercial-Conditional Overlay Combining District zoning with conditions. First reading on February 10, 2000; Vote 6-0, Watson absent. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council at first reading. Applicant: Rita Evans; Agent: Bill Faust. City Staff: Katie Larsen, 499-3072. (continued from 5/11/00)

Ordinance No. 000601-18 was approved.**Item 19 was pulled for discussion.**

20. C14-99-0130 – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code zoning property located at 16445 North IH-35 Northbound from SF-2 Single Family Residence Standard Lot District zoning to GR, Community Commercial District zoning with conditions. First reading on February 17, 2000; Vote 7-0. Second reading April 20, 2000; Vote: 7-0. Conditions met as follows: Restrictive covenant incorporates the conditions approved by Council at second reading. Applicant: Security Land Investments (Waymon Levell); Agent: Lopez-Phelps, Vaughn & Associates, Inc. (Rick Vaughn). City Staff: David Wahlgren, 499-6455.

Ordinance No. 000601-20 was approved.

21. Approve a resolution authorizing execution of a 12-month supply agreement with SUN COAST RESOURCES, INC., Austin, Texas, for the purchase of conventional gasoline and diesel fuel in an amount not to exceed \$4,772,237 with four 12-month extension options in amounts not to exceed \$4,963,126, \$5,161,652, \$5,368,118, \$5,582,842 respectively for a total amount not to exceed \$25,847,975, and approve execution of a five-month supply agreement with DIAMOND SHAMROCK REFINING COMPANY, L.P., San Antonio, Texas, for the purchase of cleaner-burning gasoline in an amount not to exceed \$1,149,800 with four 5-month extension options in amounts not to exceed \$1,195,791, \$1,243,623, \$1,293,368 and \$1,345,102 respectively for a total amount not to exceed \$6,227,684. (Funding in an amount of \$1,974,012 was included in the 1999-2000 Amended Operating Budgets of various departments.) Low bidders/six bids received. No subcontracting opportunities identified.

Resolution No. 000601-21 was approved.

22. Approve execution of a contract with HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM (H-GAC), Houston, Texas for the purchase of 16 various light duty trucks, sedans, vans and utility vehicles in the amount of \$335,395.99. (Funding in the amount of \$21,204.70 was included in the 1999-2000 Approved Budget of the Vehicle Acquisition Fund. Funding in the amount of \$70,858.97 was included in the 1999-2000 Approved Operating Budget of the Aviation Department. Funding in the amount of \$84,531.08 was included in the 1999-2000 Approved Budget of the Fleet Fund. Funding in the amount of \$20,102.42 was included in the 1999-2000 Approved Operating Budget of the Planning, Environmental and Conservation Department. Funding in the amount of \$76,232.58 was included in the 1999-2000 Amended Operating Budget of the Water and Wastewater Utility Department. Funding in the amount of \$19,976.80 was included in the 1999-2000 Approved Capital Budget of the Watershed Protection Department. Funding in the amount of \$42,489.44 was included in the 1999-2000 Amended Capital Budget of the Water and Wastewater Utility Department.)

Resolution No. 000601-22 was approved.

Item 23 through 24 were pulled for discussion.

25. Approve an ordinance changing the street name for the entire length of Guarita Court to RIATA PARK COURT, from the intersection of Riata Vista Drive and Tercello Lane in a southeasterly direction to the end of the cul-de-sac. (The applicant has paid the \$415 processing fee. The applicant upon passage of ordinance will pay the \$200 for street sign replacement.)

Ordinance No. 000601-25 was approved.

26. Approve an ordinance authorizing acceptance of \$100,000 in grant funds from the U.S. Department of Justice, Office for State and Local Domestic Preparedness Support to improve local first response capabilities for terrorist incidents, amend Ordinance No. 990914-1, the Fiscal Year 1999-2000 Operating Budget for the Fire Department, amending the Special Revenue Fund by appropriating \$100,000 in grant funds for the Fire Department special revenue fund. (The amount of \$100,000 from the Department of Justice, Office for State and Local Domestic Preparedness Support. A match is not required.)

Ordinance No. 000601-26 was approved.

27. Approve an ordinance authorizing acceptance of \$2,000 in grant funding from Austin Families, Inc., and amend Ordinance 990914-1, the 1999-2000 Operating Budget, amending the Special Revenue fund by appropriating \$2,000 in grant funds for the Parks and Recreation Department's Special Revenue Fund. This money will fund a portion of the Austin Parks and Recreation Department's Nature and Science Center programs. (Funding is available from the Austin Families, Inc. for the Summer of 2000. No City match is required.)

Ordinance No. 000601-27 was approved.

28. Approve a resolution authorizing execution of a contract with EQUIPMENT DEPOT, INC., Pflugerville, Texas, for the purchase of three tractors with assorted attachments for the Parks and Recreation Department in the amount of \$91,640. (Funding in an amount of \$61,921 was included in the 1999-2000 Approved Operating Budget of the Vehicle Acquisition Fund, and \$29,719 was included in the 1999-2000 Approved Operating Budget of the Golf Enterprise Fund.) Low bidder meeting specifications/three bids received. No MBE/WBE subcontracting participation.

Resolution No. 000601-28 was approved.

Item 29 was pulled for discussion.

30. Approve an ordinance renewing the Greater Austin Transportation Company d.b.a. American Yellow Checker Cab Company taxicab franchise. (An estimated \$111,600 will be receipted into the General Fund based on taxicab permit fees of \$400 per year permit.) (Second reading) (Recommended by Urban Transportation Commission)

Second reading of this ordinance was approved.

31. Approve an ordinance renewing the Harlem Cab Company d.b.a. Austin Cab taxicab franchise. (An estimated \$45,600 will be receipted into the General Fund based on taxicab permit fees of \$400 per year per permit.) (Second reading) (Recommended by Urban Transportation Commission)

Ordinance No. 000601-31 was approved.

32. Amend Section 16-4-57 – Construction Zone Speed Limits of the Austin City Code by adding East Martin Luther King Jr. Boulevard (FM 969) from Airport Boulevard (Loop 111) to Wildrose Drive, to the list of streets having a maximum speed limit of 35 miles per hour where indicated by posted

speed signs during road construction, maintenance or repair activities. (Funding will be provided by the Texas Department of Transportation.)

This item was postponed indefinitely.

Item was 33 was pulled for discussion.

34. Approve a resolution authorizing negotiation and execution of an amendment to the existing professional services agreements with the following firms: RODRIGUEZ ENGINEERING LABORATORIES (MBE/MH), Austin, Texas; and FUGRO SOUTH, INC., Austin, Texas, for engineering and testing services for streets, buildings, parking lots, water and wastewater, drainage, and other City projects, in the amount of \$150,000, for a total amount of the two agreements not to exceed \$1,150,000. (Funding for these services is available in the various Operating and Capital Budgets of the departments needing the services.) RODRIGUEZ ENGINEERING LABORATORIES (MBE/MH) Prime 100%; No MBE/WBE subcontracting participation. FUGRO SOUTH, INC.. 5% MBE; 0% WBE subcontracting participation.

Resolution No. 000601-34 was approved.

Items 35 through 38 were pulled for discussion.

39. Approve an ordinance granting a franchise to METRICOM, INC., for use of rights-of-way to construct a wireless data communications radio network. (Network will be under construction and will not be operational for customers during this fiscal year. No anticipated revenue for Fiscal Year 1999-2000 projected at this time. Revenue may result from future customer usage of the system to be estimated for subsequent years.) (Third reading)

Ordinance No. 000601-39 was approved.

40. Amend Ordinance No. 990913-2, the 1999-2000 Capital Budget by increasing appropriations to the Water and Wastewater Utility by \$532,186 and creating a wastewater project known as "ACC East Austin Campus" for \$532,186. (Funding will be provided from the proceeds of debt issuance when the annual obligation comes due in future budget years. (Recommended by Planning Commission) (Related to Items 41 and 42)

Ordinance No. 000601-40 was approved.

41. Declare official intent to reimburse \$532,186 for payment to ACC, which is necessary to reimburse ACC for the construction of an 18-inch wastewater line and appurtenances to serve the ACC East Austin Campus and surrounding area. (The amount of \$532,186 for the Water and Wastewater Utility to be funded by the issuance of commercial paper.) (Related to Items 40 and 42)

Resolution No. 000601-41 was approved.

42. Approve a resolution authorizing negotiation and execution of amendment to existing Cost Reimbursement Agreement with Austin Community College (ACC) to increase the reimbursement amount for construction of an 18-inch wastewater line and appurtenances to serve the ACC East Austin Campus and surrounding area by the amount of \$192,186, for a total not to exceed cost reimbursement amount of \$532,186; and to modify the commencement and completion dates for construction of the 18-inch wastewater line project. (Funding is included in the 1999-2000 Amended Capital Budget of the Water and Wastewater Utility. Based on conservative build-out of the area, the 30-Year Financial Analysis (included in the back-up material for this RCA) of this City investment projects a negative 30-year net present value. (Recommended by Water and Wastewater Commission) (Related to Items 40 and 41)

Resolution No. 000601-42 was approved.

43. Amend Ordinance No. 990913-2, the 1999-2000 Capital Budget by increasing appropriations to the Water and Wastewater Utility by \$225,000 and creating a new water project known as "Berdoll Farms Subdivision Water" for \$225,000. (Funding will be provided from the proceeds of debt issuance when the annual obligation comes due in future budget years. (Recommended by Planning Commission) (Related to Items 44 and 45)
Ordinance No. 000601-43 was approved.
44. Declare official intent to reimburse construction costs in the amount of \$225,000 to be paid for developer reimbursements for the Berdoll Farms Subdivision Water project. (The amount of \$225,000 for the Water and Wastewater Utility to be funded by the issuance of commercial paper.) (Related to Items 43 and 45)
Resolution No. 000601-44 was approved.
45. Adopt an ordinance authorizing negotiation and execution of a cost reimbursement agreement with Kaufman and Broad Lone Star, L.P., providing terms and conditions for construction of a 16-inch water main and appurtenances to provide water service within and near the proposed Berdoll Farms Subdivision located east of Ross Road between U.S. Highway 71 and Pearce Lane with City cost reimbursement in an amount not to exceed \$225,000; and waiving the requirements of Section 25-9-61, City Code, relating to facilities eligible for cost reimbursement, and waiving construction inspection fees for the 16-inch water main in an amount not exceed \$15,750. (Related to Items 43 and 44)
Ordinance No. 000601-45 was approved.
46. Amend Ordinance No. 990913-2, the 1999-2000 Capital Budget by increasing appropriations to the Water and Wastewater Utility by \$530,000 and creating a new water project known as "Parmer Park Subdivision" for \$530,000. (Funding will be provided from the proceeds of debt issuance when the annual obligation comes due in future budget years. (Recommended by Planning Commission) (Related to Items 47 and 48)
Ordinance No. 000601-46 was approved.
47. Declare official intent to reimburse construction costs in the amount of \$530,000 to be paid for developer reimbursements for the Parmer Park Subdivision project. (The amount of \$530,000 for the Water and Wastewater Utility to be funded by the issuance of commercial paper.) (Related to Items 46 and 48)
Resolution No. 000601-47 was approved.
48. Adopt a resolution authorizing negotiation and execution of a cost reimbursement agreement with Parmer Park, L.P., Keith Stone, manager, providing terms and conditions for construction of a 24-inch water main and appurtenances to provide water service within and near the proposed Parmer Park Subdivision, located at the southeast corner of the Parmer Lane and Dessau Road intersection, with City cost reimbursement in an amount not to exceed \$530,000. (Funding is included in the Amended Capital Budget of the Water and Wastewater Utility. Based on conservative build-out of the Parmer Park Subdivision, the 30-Year Financial Analysis (included in the back-up material for this RCA) of this City investment projects a positive 30-year net present value.) (Recommended by Water and Wastewater Commission) (Related to Items 46 and 47)
Resolution No. 000601-48 was approved.

49. Amend Ordinance No. 990913-2, the 1999-2000 Capital Budget by increasing appropriations to the Water and Wastewater Utility by \$1,031,525 and creating a new wastewater project known as "Berdoll Farms Subdivision Wastewater" for \$1,031,525. (Funding will be provided from the proceeds of debt issuance when the annual obligation comes due in future budget years. (Recommended by Planning Commission) (Related to Items 50 and 51)
Ordinance No. 000601-49 was approved.
50. Declare official intent to reimburse construction costs in the amount of \$1,031,525 to be paid for developer reimbursements for the Berdoll Farms Subdivision Wastewater project. (The amount of \$1,031,525 for the Water and Wastewater Utility to be funded by the issuance of commercial paper.) (Related to Items 49 and 51)
Resolution No. 000601-50 was approved.
51. Adopt an ordinance authorizing negotiation and execution of a cost reimbursement agreement with Kaufman and Broad Lone Star, L.P., providing terms and conditions for design and construction of a permanent wastewater lift station and 8-inch wastewater force main and appurtenances to provide wastewater service within and near the proposed Berdoll Farms Subdivision located east of Ross Road between U.S. Highway 71 and Pearce Lane, with City cost reimbursement in an amount not to exceed \$1,031,525; and waiving the requirements of Section 25-9-61, City Code, relating to facilities eligible for cost reimbursement and the maximum cost reimbursement of a facility, and waiving the requirements of Section 25-9-63 relating to the amount of cost reimbursement. (Funding is included in the 1999-2000 Amended Capital Budget of the Water and Wastewater Utility. Based on conservative build-out of the Berdoll Farms Subdivision, the 30-Year Financial Analysis (included in the back-up material for this RCA) of this City investment projects a positive 30-year net present value.) (Recommended by Water and Wastewater Commission) (Related to Items 49 and 50)
Ordinance No. 000601-51 was approved.

Items 52 through 53 were pulled for discussion.

54. Approve an ordinance authorizing acceptance of \$72,618 in one time grant funding from the Federal Emergency Management Agency through the Texas Department of Public Safety for hazard mitigation projects; Amend Ordinance No. 990914-1, the 1999-2000 Operating Budget, amending the Watershed Protection Department Special Revenue fund by increasing grant funding and expenditures by \$72,618 for reimbursement of eligible expenses incurred through purchasing flood prone properties. (Grant funding is available in Federal Emergency Management Agency (FEMA) funds through the Texas Department of Public Safety. Matching funds are available in the 1998-1999 Watershed Protection Amended Capital Budget for a program total of \$96,824.) (Approved by Environmental Board) (Related to Items 55-56)
Ordinance No. 000601-54 was approved.
55. Approve a resolution authorizing fee simple acquisition of Lot 16, Block D, Emerald Forest, Section 5, locally known as 5305 Meadow Creek Circle, Austin, Texas, from NANCY COPLIN for the Meadow Creek Flood Disaster Project, in the amount of \$42,942.59, plus \$7,317 in relocation benefits, for a total amount not to exceed \$50,259.59. (Funding in an amount of \$18,052.65 is included in the 1999-2000 Amended Capital Budget of the Watershed Protection Department. The amount of \$32,206.94 was included in the 1999-2000 Amended Special Revenue Fund of the Watershed Protection Department.) (Related to Items 54 and 56)
Resolution No. 000601-55 was approved.

56. Approve a resolution authorizing fee simple acquisition of Lot 15, Block D, Emerald Forest, Section 5, locally known as 5307 Meadow Creek Circle, Austin, Texas, from RUSSELL BOGLE for the Meadow Creek Flood Disaster Project, in the amount of \$49,221.15, plus \$23,400 in relocation benefits for a total amount not to exceed \$72,621.15. (Funding in an amount of \$35,705.29 was included in the 1999-2000 Amended Capital Budget of the Watershed Protection Department. The amount of \$36,915.86 was included in the 1999-2000 Amended Special Revenue Fund of the Watershed Protection Department.) (Related to Items 54 and 55)

Resolution No. 000601-56 was approved.

Item 57 was pulled for discussion.

58. Approve execution of a contract with MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC., 3307 Northland Drive, Suite 235, Austin, TX, 78731 for the purchase of two-way radio equipment for the Austin Police Department (APD) in an amount not to exceed \$72,203. (Funding in the amount of \$72,203 was included in the 1999-2000 Operating Budget of Austin Police Department.) Sole source.

Resolution No. 000601-58 was approved.

59. Approve an ordinance to direct the City Manager to establish a free day and an alternate free day of swimming at Barton Springs Pool. (Mayor Pro-Tem Jackie Goodman and Council Member Daryl Slusher)

Ordinance No. 000601-59 was approved.

Item 60 was pulled for discussion.

61. Approve a resolution officially naming the new Montopolis/Riverside Library Branch in honor of Mr. Daniel E. Ruiz. (Recommended by the Library Commission) (Council Member Gus Garcia and Mayor Kirk Watson)

Resolution No. 000601-61 was approved.

62. Approve a resolution directing the City Manager to develop scenarios to fund social equity initiatives and infrastructure improvements from the projected profits of the Incentive and Investment Packages being developed in the Desired Development Zone (including profits from enterprise fund operations). (Council Member Gus Garcia, Council Member Beverly Griffith and Mayor Pro Tem Jackie Goodman)

Resolution No. 000601-62 was approved.

Items 63 through 65 were pulled for discussion.

Items 66 through 74 were Citizen Communications.

75. First Workers Evaluation Report.
This item was postponed indefinitely.

Items 76 through 89 were Zoning items.

Item 90 was a Briefing.

Items 91 and 92 were Public Hearings.

Item 93 was an Executive Session item.

94. Repeal Ordinance No. 000413-64 amending the City Code regarding the Drainage Utility. (Council Member William Spelman and Council Member Beverly Griffith)

This item was postponed until June 8, 2000.

95. Direct the City Manager to investigate changes to the Drainage Utility Fee structure, and prepare an ordinance for City Council consideration. (Council Member William Spelman and Council Member Beverly Griffith)

This item was postponed until June 8, 2000.

Item 96 was a Public Hearing.**DISCUSSION ITEMS**

63. Approve a resolution directing the City Manager to develop a comprehensive master plan and zoning recommendations for the North Town Lake area with a focus on the Rainey Street area. (Council Member Gus Garcia and Council Member Daryl Slusher)

Resolution No. 000601-63 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.

35. Amend Ordinance #990913-2, the 1999-2000 Capital Budget of the Department of Public Works and Transportation by appropriating \$2,929,000 to: a) increase the project budget for the New City Hall Underground Parking Garage by \$985,000 to add 75 parking spaces; and b) increase the project budget for the New City Hall by \$1,944,000 to add 5,728 Gross Square Feet of office space and 10,000 Gross Square Feet for retail functions. (a) Funding in the amount of \$985,000 will be funded by future General Fund cash transfers or future issuance of long term debt; b) Funding in the amount of \$980,000 for 5,728 GSF will be funded by future General Fund transfers or future issuance of long term debt; \$964,000 to add 10,000 GSF for retail functions will be reimbursed from the proceeds of long term debt repaid from revenue produced by the retail space.) (Recommended by the Planning Commission) (Related to Items 36-38)

Ordinance No. 000601-35 was approved with the following amendments on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote. The amendments includes changing the wording in Part 1, line 2 of the ordinance to "... to appropriate \$3,330,000"; and line 5 to "...to add 10,728 gross square feet of office space."

36. Declare official intent to reimburse \$2,929,000 in costs relating to the New City Hall project. (Funding in the amount of \$1,965,000 to be reimbursed from future General Fund cash transfers or from the proceeds of long term debt; funding in the amount of \$964,000 to be reimbursed from the proceeds of long term debt.) (Related to Items 35, 37-38)

Resolution No. 000601-36 was approved with the following amendments on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote. The amendment includes changing the wording in the second line of the second paragraph to "payment of \$3,330,000"; and in the last line of the last paragraph to "... project will not exceed \$3,330,000."

37. Approve waiving development fees and Water & Wastewater meter fees for the New City Hall and Plaza Project, in the amount of \$179,997. (Estimated future waived revenue: \$54,964 of Development Review & Inspection Department Review fees; \$39,938 of Watershed Protection Department Water Quality fees; \$25,695 of Water & Wastewater Utility Capital Recovery fees;

\$59,400 of Public Works & Transportation Department Construction Inspection fees.) (Recommended by Planning Commission) (Related to Items 35, 36, and 38)

Ordinance No. 000601-37 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.

38. Approve 1) the City departments/functions to occupy the New City Hall, 2) the overall building area, and 3) the Underground Parking Garage capacity. (Related to Items 35-37)
Resolution No. 000601-38 was approved with the following amendments on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote. The amendments include changing the wording in Section 1, line 4 by deleting ". . .Government Relations Office" and adding ". . . the Auditor's Office", in Section 2, line 1, by adding ". . . up to 115,728 gross square feet" and by adding a Section 4, to read "The Council direct the City manager to consider Government Relations,, Office of the City Auditor and others for occupancy in the new City Hall and report back on June 8, 2000.
23. Approve a resolution authorizing the negotiation and execution of an 8-month contract with Hispanic Contractors Association, in an amount not to exceed \$50,000 in Community Development Block Grant funds through the Small Minority Business Assistance program, for the purpose of providing training and technical assistance to small minority-owned businesses. (Funding is available in the Fiscal Year 1999-2000 Neighborhood Housing and Community Development Office (NHCD) special revenue fund for the Community Development Block Grant (CDBG 25th Year)).
Resolution No. 000601-23 was approved on Council Member Lewis' motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Spelman was off the dais.
24. Approve a resolution authorizing the negotiation and execution of a contract with CEREBRAL PALSY ASSOCIATION OF THE CAPITAL AREA, INC., Austin, Texas, for the Architectural Barrier Removal Program in an amount not to exceed \$446,875 with two 12-month extension options amounts not to exceed \$1,000,000 per extension for a total contract amount not to exceed \$2,446,875. (Funding for the original contract period was included in the 1999-2000 Operating Budget of the Neighborhood Housing and Community Development Office. Funding for the extension options is contingent upon available funding in future budgets.)
Resolution No. 000601-24 was approved on Council Member Lewis' motion, Mayor Pro Tem Goodman's second by a 5-0 vote. Council Members Slusher and Spelman were off the dais.
33. Approve a resolution authorizing execution of Change Order #3 to the existing construction contract with AUSTIN BRIDGE & ROAD, Austin, Texas, to adjust the unit price of street excavation, asphaltic base material, and a concrete bus pad, as part of the Street Reconstruction, Overlay and Utility Adjustments, Group 1 Project, increasing the contract in the amount of \$39,970, for a total contract amount not to exceed \$1,059,024.57. (Funding in an amount of \$39,970 is available in the 1999-2000 Amended Capital Budget of the Department of Public Works & Transportation.) No MBE/WBE subcontracting participation.
Resolution No. 000601-33 was approved on Council Member Lewis' motion, Council Member Griffith's second by a 5-0 vote. Council Members Slusher and Spelman were off the dais.
52. Approve a resolution authorizing acquisition of one waterline easement and two temporary construction easements from RINGGOLD PARTNERS I, a Texas Limited Partnership for the Howard Lane Transmission Main Project, in the amount of \$92,531. (Funding is available in the 1995-1996 Amended Capital Budget of the Water & Wastewater Utility.)
Resolution No. 000601-52 was approved on Council Member Lewis' motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Spelman was off the dais.

53. Approve a resolution authorizing acquisition of two waterline easements, four temporary construction easements and one temporary staging and storage area from CATOOSA SPRINGS PARTNERS, a Texas Limited Partnership for the Howard Lane Transmission Main Project, in the amount of \$116,515. (Funding is available in the 1995-1996 Amended Capital Budget of the Water and Wastewater Department.)

Resolution No. 000601-53 was approved on Council Member Lewis' motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Spelman was off the dais.

57. Approve the negotiation and execution of a contract with HAY GROUP, DALLAS, TEXAS, for the purchase a job evaluation system for the Human Resource Department in an estimated amount of \$103,800. (Funding was included in the 1999-2000 Approved Operating Budget of the Human Resource Department.) Best proposal of six received. No MBE/WBE Subcontracting participation.

Resolution No. 000601-57 was approved on Council Member Lewis' motion, Council Member Garcia's second by a 7-0 vote.

29. Approve a resolution authorizing negotiation and execution of an amendment to the agreement with the Center for Mexican American Cultural Arts, Inc. (CMACA) to allow the City to appoint board members to the CMACA board. (No fiscal impact)

This item was postponed indefinitely on Council Member Garcia's motion, Council Member Slusher's second by a 7-0 vote.

60. Approve a resolution directing the City Manager to develop alternative options for the management and operations of the Mexican American Cultural Arts Center. (Council Member Gus Garcia)

Resolution No. 000601-60 was approved on Council Member Garcia's motion, Council Member Slusher's second by a 7-0 vote.

The motion to re-consider this item was approved on Council Member Garcia's motion, Council Member Griffith's second by a 6-0 vote. Council Member Lewis was off the dais.

Resolution No. 000601-60 was approved on Council Member Garcia's motion, Council Member Slusher's second by a 7-0 vote.

65. Approve a resolution directing the City Manager to initiate the process to immediately relocate the Castleman-Bull-Moore (Fontaine) House from 308 E. 7th St. to the area abutting the Trask House on the southern side at 205-207 Red River Street. (Mayor Pro-Tem Jackie Goodman and Council Member Beverly Griffith)

Resolution No. 000601-65 was approved on Mayor Pro Tem Goodman's motion, Council Member Griffith's second by a 7-0 vote.

The motion to recess the meeting at 11:52 a.m. was approved on Council Member Garcia's motion, Council Member Slusher's second by a 6-0 vote. Council Member Lewis was off the dais.

Mayor Watson called the meeting back to order at 12:37 p.m.

The motion to recess the City Council meeting and go into Executive Session was approved on Mayor Pro Tem Goodman's motion, Council Member Garcia's second by a 5-0 vote. Council Members Griffith and Slusher were off the dais.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

2. Discuss *Steve Pendergrass, et al. V. City of Austin*, Cause No. 03-99-00510-CV, in the Austin Court of Appeals.
3. Discuss legal issues regarding settlement negotiations with Anderson Community Development Corporation concerning the SCIP II project.
4. Discuss *FM Properties Operating Co. v. City of Austin*, Cause No. 98-0685, in the Supreme Court of Texas. (This litigation concerns development regulations applicable in the Barton Springs Zone.)
5. Discuss *Ex Parte Standage*, Cause No. 98-02992, in the Travis County District Court. (Camping ordinance)
6. Discuss legal issues regarding the Police Oversight Focus Group Final Report and Recommendations.
7. Discuss acquisition of real property for the Barton Springs Clean Water Project (May 2, 1998 Election, Proposition Two).
8. Discuss the appointment and compensation of the acting City Auditor.
93. Discuss compensation and benefits package for City Auditor.

Executive session ended at 2:01 p.m.

1:30 P.M. CITIZEN COMMUNICATIONS: GENERAL

66. Lynn Moshier – Central Booking
67. Richard Troxell – Homelessness in Austin
68. Jennifer L. Gale – City Council resignations – **ABSENT**
69. Gus Peña – Discuss City Health Clinics and Request More Affordable Housing that People can Afford
70. Jimmy Castro – Children’s Miracle Network Telethon
71. Lucius Lomax – Traffic Enforcement – **ABSENT**
72. Marita Heyden – Police Oversight Focus Group – **ABSENT**
73. Rolando Piña – I.N.S is out away from Galindo Elementary, Now discuss internet voting in Texas Hays/Travis Senatorial District 14, National Platform – **ABSENT**
74. Robert Singleton – The Bradley Deal and the Recent Council Election – **ABSENT**

DISCUSSION ITEMS CONTINUED

9. Approve settlement agreement and other settlement documents with Anderson Community Development Corporation and other parties to the settlement concerning the SCIP II project.

Ordinance No. 000601-09 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.

The motion to recess the City Council meeting at 2:18 p.m. and go into Executive Session was approved on Council Member Spelman's motion, Council Member Griffith's second by a 7-0 vote.

8. Discuss the appointment and compensation of the acting City Auditor.

93. Discuss compensation and benefits package for City Auditor.

Mayor Watson called the meeting back to order at 2:34 p.m.

DISCUSSION ITEMS CONTINUED

64. Approve a resolution designating and appropriating compensation for an acting City Auditor. (Mayor Kirk Watson and Council Member Gus Garcia)

Resolution No. 000601-64 was approved, naming Steven M. Morgan as Acting City Auditor effective July 3, 2000 with a salary of \$158.39 per pay period in addition to the compensation and benefits he is currently receiving, on Council Member Garcia's motion, Council Member Griffith's second by a 7-0 vote.

96. Amend compensation and benefits package for City Auditor. (Council Member William Spelman)
Resolution No. 000601-96 was approved giving the retiring City Auditor the compensation and benefit package on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote, as recognition for her efforts on the transition plan.

The motion to recess the City Council meeting at 2:38 p.m. was approved on Council Member Griffith's motion, Council Member Slusher's second by a 4-0 vote. Council Member's Garcia, Lewis and Spelman were off the dais.

Mayor Watson called the meeting back to order at 4:00 p. m.

ZONING CONSENT

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Garcia's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

76. C14-99-0027B – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property located at the Northeast intersection of F.M. 620 North and Tom Kemp from I-RR, Interim Rural Residence District, DR, Development Reserve District, SF-2, Single Family Residence (Standard Lot) District and GR-CO, Community Commercial-Conditional Overlay Combining District to GR Community Commercial District zoning. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay Combining District zoning with conditions for Tract 1, and GO-CO General Office-Conditional Overlay Combining District zoning with conditions for Tract 2. Applicant: PAR 620 Ltd. and David Bruce Smith; Agent: PBA (Gary

Brown). City Staff: David Wahlgren, 499-6455. (continued from 5/13/99, 7/15/99, 11/18/99, 12/9/99, 2/10/00 and 3/23/00)

This item was postponed until 8/3/00.

Item 77 was pulled for discussion.

78. C14-83-0163 – Pleasant Valley Sportsplex – Public hearing to amend Chapter 25-2 of the Austin City Code by terminating a restrictive covenant for property locally known as 1225 Pleasant Valley Road. Planning Commission Recommendation: To grant the restrictive covenant termination. Applicant: Pleasant Valley Sportsplex of Austin (Gerald Daugherty); Agent: Bury Partners, Inc. (James Knight, P.E.) City Staff: Adam Smith, 499-2755.

This item was postponed to June 29, 2000 by staff.

Item 79 was pulled for discussion

80. C14-00-2044 – Pleasant Valley Sportsplex – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1225 Pleasant Valley from CS, Commercial Services District zoning, to MF-2-CO, Multi-Family Residence Low Density-Conditional Overlay Combining District zoning with conditions for Tract 1 and RR, Rural Residence District zoning for Tract 2. Planning Commission Recommendation: To grant MF-2-CO, Multi-Family Residence Low Density-Conditional Overlay Combining District zoning with conditions for Tract 1 and RR, Rural Residence District zoning for Tract 2. Applicant: Pleasant Valley Sportsplex of Austin (Gerald Daugherty); Agent: Bury Partners, Inc. (James Knight, P.E.). City Staff: Adam Smith, 499-2755

The first reading of this ordinance was approved.

Items 81 through 82 was pulled for discussion.

83. C14-00-2060 - Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 2777 State Highway 71 East from I-RR, Interim-Rural Residence District zoning to GR-CO, Community Commercial-Conditional Overlay Combining District zoning with conditions. Planning Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay Combining District zoning with conditions. Applicant: So Yon Stamey. Agent: Crocker Consultants (Sarah Crocker). City Staff: Adam Smith, 499-2755.

Ordinance No. 000601-83 was approved.

84. C14-00-2061 - Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 2601 East State Highway 71 from I-RR, Interim-Rural Residence District zoning to GR-CO, Community Commercial-Conditional Overlay Combining District zoning with conditions for Tract 1 and CS-1-CO, Commercial-Liquor Services-Conditional Overlay Combining District zoning with conditions for Tract 2. Planning Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay Combining District zoning for Tract 1 and CS-1-CO, Commercial-Liquor Sales-Conditional Overlay Combining District zoning for Tract 2, with conditions. Applicant: Country Cottage Motel (So Yon Stamey). Agent: Crocker Consultants (Sarah Crocker). City Staff: Adam Smith, 499-2755.

Ordinance No. 000601-84 was approved.

85. C14-00-2066 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1021 East 7th Street from CS, General Commercial Services District zoning to CS-CURE, General Commercial Services-Central Urban Redevelopment Combining District zoning. Planning Commission Recommendation: To grant CS-CURE, General Commercial Services-Central

Urban Redevelopment Combining District zoning with conditions. Applicant: Ten to One LC (Richard Kooris); Agent: Heimsath Architects (Eric MacInerney). City Staff: Katie Larsen, 499-3072.

Ordinance No. 000601-85 was approved.

86. C14-00-2067 – University of Texas – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 1314 Exposition Blvd. from UNZ, Unzoned to SF-3, Family Residence District zoning. Planning Commission Recommendation: To grant SF-3, Family Residence District zoning. Applicant: University of Texas System (James S. Wilson); Agent: Bury & Partners, Inc. (Jim Gallegos, P.E.). City Staff: Glenn Rhoades, 499-2775.

Ordinance No. 000601-86 was approved. Council Member Spelman abstained.

Item 87 was pulled for discussion.

88. C14-00-2092 – Convention Center Hotel -Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 400 Neches Street from CBD, Central Business District to CBD-CURE, Central Business District-Central Urban Redevelopment Combining District with conditions. Planning Commission Recommendation: To grant CBD-CURE, Central Business District-Central Urban Redevelopment Combining District zoning with conditions. Owner: Finley Company and et al. Applicant: City of Austin. Agent: Development Review and Inspection Department. City Staff: Glenn Rhoades, 499-2775.

Ordinance No. 000601-88 was approved.

ZONING DISCUSSION

81. C14-00-2020 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 12003 North Lamar Boulevard from NO, Neighborhood Office District zoning to GO-CO, General Office-Conditional Overlay Combining District zoning with conditions. Planning Commission Recommendation: To deny GO-CO, General Office-Conditional Overlay Combining District zoning with conditions. Applicant: Barbara Wilkes; Agent: Jim Bennett. City Staff: Katie Larsen, 499-3072. Note: A valid petition has been filed in opposition to this rezoning request. (Continued from 5/18/00)

This item was postponed to August 3, 2000 at the applicant's request on Mayor Pro Tem Goodman's motion, Council Member Slusher's second by a 7-0 vote.

79. C14-00-2004 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property located at 403, 413, 445, 501 Bastrop Highway, 414, 418, 422, 426, 434 Thompson Lane, and Hergotz Lane from I-RR, Interim-Rural Residence District zoning to RR, Rural Residence District zoning. Planning Commission Recommendation: To grant DR, Development Reserve District and RR, Rural Residence District zoning with conditions. Property Owners: Arlene Bolm Fitzpatrick, Fred W. Hoskins, Capitol Feed & Milling Co., Inc., Callahans General Store of Austin, Inc., HRG, Inc., David Willhoite, Mark Bearden, Bobby Ray and Barbara Jean Burkland, Q. S. Franks, James A. Crist, and Joaquinna Flores Crist. Applicant: City of Austin. Agent: Development Review & Inspection Department. City Staff: Adam Smith, 499-2755. (continued from 5/11/00)

The first reading of this ordinance was approved with staff recommendation on Council Member Garcia's motion, Council Member Lewis' second by a 4-2 vote. Mayor Pro Tem Goodman and Council Member Griffith voted no. Council Member Spelman was off the dais.

82. C14-00-2023 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1418 Cardinal Hill Road from SF-1, Single-Family Residence Large Lot District

zoning to LO, Limited Office District zoning. Planning Commission Recommendation: To deny LO-CO, Limited Office-Conditional Overlay Combining District zoning with conditions. Applicant: Debra Dozier; Agent: A. R. Thrower Designs (Ron Thrower). City Staff: Katie Larsen, 499-3072. Note: A valid petition has been filed in opposition to this rezoning request. (continued from 5/19/00)

The public hearing was closed on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

The first reading of this ordinance for N.O. zoning failed on Council Member Spelman's motion, Council Member Slusher's second by a 3-4 vote. Those voting aye were: Mayor Watson, Council Members Slusher and Spelman. Those voting nay were: Mayor Pro Tem Goodman, Council Members Garcia, Griffith and Lewis.

The motion to direct the City Manager to seek a solution that would allow use of the property or at least provide protection for the property in regard to its unique circumstances, including consideration of a sound barrier, failed on Mayor Pro Tem Goodman's motion, Council Member Griffith's second by a 2-5 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Member Griffith. Those voting nay were: Mayor Watson, Council Members Garcia, Lewis, Slusher and Spelman.

The motion to recess the City Council meeting at 5:47 p.m. was approved on Council Member Garcia's motion, Council Member Griffith's second by a 5-0 vote. Council Member's Slusher and Spelman were off the dais.

Mayor Watson called the meeting back to order at 6:21 p.m.

87. C14-00-2075 – St. Andrew Episcopal – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property located at West 32nd Street and Wabash Avenue from GO-CO, General Office-Conditional Overlay Combining District zoning to GR-CO, Community Commercial-Conditional Overlay Combining District zoning. Planning Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay Combining District zoning. Applicant: St. Andrew Episcopal School (Lucy Nazro); Agent: Bury & Partners (Paul J. Bury III, P.E.). City Staff: Glenn Rhoades, 499-2775.

The public hearing was closed on Council Member Garcia's motion, Mayor Watson's second by a 6-0 vote. Council Member Spelman was off the dais.

Ordinance No. 000601-87 was approved with the deletion of the words "Private Secondary Educational Facilities", from part 2 of this ordinance, on Council Member Garcia's motion, Mayor Watson's second by a 6-0 vote. Council Member Spelman was off the dais.

89. C14-99-2097 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property located at Hergotz Lane, Linger Lane and Ed Bluestein Boulevard from I-RR, Interim-Rural Residence District zoning to RR, Rural Residence District zoning. Planning Commission Recommendation: To maintain the I-RR, Interim-Rural Residence District zoning. Property Owners: City of Austin, Capitol Aggregates Ltd., Arlene Bolm Fitzpatrick (Life Estate), Sam and Annie Brooks, James Brown, and Alan Moser. Applicant: City of Austin; Agent: Development Review & Inspection Department. City Staff: Adam Smith, 499-2755. (continued from 5/11/00)

The public hearing was closed on Council Member Garcia's motion, Council Member Griffith's second by a 5-0 vote. Council Members Slusher and Spelman were off the dais.

The first reading of this ordinance with staff recommendation was approved on Council Member Garcia's motion, Mayor Watson's second by a 5-0 vote. Council Members Slusher and Spelman were off the dais.

91. Conduct a public hearing for the limited purpose annexation of the Interport tract (approximately 652 acres at the northeast corner of the intersection of Falwell Lane and SH 71).
The public hearing was closed on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.

BRIEFING

90. Police Oversight Focus Group report.
The presentation was made by the Oversight Committee Group.

DISCUSSION ITEMS

92. Conduct a public hearing regarding the Police Oversight Focus Group report,
The public hearing was closed on Council Member Garcia's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.
19. C14-99-2024 – Home Depot – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code rezoning property locally known as 3500-3600 South IH-35 from GR, Community Commercial District zoning and RR, Rural Residence District zoning to CS-CO, General Commercial Services-Conditional Overlay Combining District zoning for Tract 1, GR-CO, Community Commercial-Conditional Overlay Combining District zoning with conditions for Tract 2, and RR-CO, Rural Residence District zoning with conditions for Tract 3. Applicant: STE-35 (Mike Palmer/Charles Ball); Agent: Armbrust Brown & Davis, LLP (Richard T. Suttle, Jr.). City Staff: Adam Smith, 499-2755.
The second reading of the ordinance was approved on Council Member Slusher's motion, Council Member Garcia's second by a 7-0 vote.
77. C14-86-300 – Home Depot – Public hearing to amend Chapter 25-2 of the Austin City Code by amending a restrictive covenant for property locally known as 3500-3600 South IH-35. Planning Commission Recommendation: To deny the restrictive covenant amendment. Applicant: STE-35; Agent: Armbrust, Brown & Davis, LLP (Richard T. Suttle, Jr.). City Staff: Adam Smith, 499-2755. (continued from 2/17/00, 3/9/00, 3/30/00, 4/30/00 & 5/18/00)
This item was postponed until June 8, 2000 at 4:00 p.m. on Council Member Slusher's motion, Council Member Garcia's second by a 7-0 vote.

ADJOURNED at 9:51 p.m. on Council Member Griffith's motion, Council Member Slusher's second by a 7-0 vote.

The minutes for the Regular Meetings of June 1, 2000 was approved on this the 8th day of June, 2000 on Council Member Garcia's motion, Council Member Griffith's second by a 7-0 vote.